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REMARKS

In reply to the Office Action mailed April 3, 2003, Applicants respectfully request reconsideration and allowance of the subject application. In the Office Action, the Examiner memorialized a restriction requirement, rejected claim 8 for indefiniteness and rejected claims 1-8 and 17-20 for obviousness. Applicants have elected to prosecute claims 1-8 and 17-20 and have amended claims 8 and 17. Accordingly, claims 1-8 and 17-20 are the elected claims pending in the subject application.

In the Office Action, the Examiner required a restriction between Group I comprising claims 1-8 and 17-20, drawn to a stripping process, and Group II comprising claims 9-16, drawn to a hydrocarbon stripping apparatus. Applicants provisionally elected to prosecute the process claims of Group I. Hence, claims 9-16 have been withdrawn from consideration.

The Examiner has rejected claim 8 for indefiniteness. Applicants have amended claim 8 to recite "a flux rate". Hence, claim 8 now has sufficient antecedent basis. Applicants have also amended claim 17 to correct missing antecedent bases. However, the amendments to claims 8 and 17 do not narrow the claims in any respect.

The Examiner rejected claims 1-8 and 17-20 under 35 U.S.C. §103(a) as being obvious over U.S. Patent 6,010,618 (the "Lomas patent") in view of U.S. Patent 2,472,502 (the "Tyson patent"). Applicants respectfully traverse this rejection. Applicants would first like to point out that there is no motivation to combine the teachings of the Tyson patent with the teachings of the Lomas patent. The Tyson patent discloses horizontal grated baffles whereas the Lomas patent discloses sloped, perforated baffles. Because the configuration of the stripping baffles in each cited patent are incompatible, there should be some suggestion in one of the patents to combine the two teachings to produce a sloped, grated baffle. However, there is no such suggestion in either of the patents. However, even if there was such a motivation to combine the two patents, they would still not together provide all the limitations recited in either independent claims 1 or 17. Claim 1 recites, "a volumetric flow rate of stripping fluid moving through the bottom section of said baffle

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being greater than a volumetric flow rate of stripping fluid moving through the top section of said baffle.” Application, page 31, lines 15-18. Claim 17 (as amended) recites that openings in the top section of the baffle and in the bottom section of the baffle “are distributed to provide a greater volumetric flow rate of stripping fluid to the lower section of the sloped baffle than to the upper section of the sloped baffle.” Application, page 35, line 20 through page 36, line 2. Even if it was appropriate to combine the teachings of the Lomas patent and the Tyson patent to provide a sloped, grated baffle, the combination would not operate to provide a greater volumetric flow rate of stripping fluid to the lower section of the sloped baffle than to the upper section of the sloped baffle. As explained on page 23 of the application starting on line 2:

[A]n important design factor is that the velocity of stripping medium through holes higher up on the sloped baffle, that is through the top section 60, will be greater than through openings in the bottom section 62. This is a consequence of pressure decreasing proportionately with height in the stripping section 32. Therefore, the velocity differential along the elevation of the baffle must be taken into account when configuring that hole pattern.

Hence, a sloped grating defining a uniform hole pattern as provided by the Examiner’s proposed combination will naturally provide a volumetric flow rate through a top section of the baffle that is greater than the volumetric flow rate through the bottom section of the baffle. Claims 1 and 17 recite the opposite relationship. Hence, Applicants respectfully submit that the proposed combination of the Lomas and the Tyson patents would not provide all the limitations recited in independent claims 1 and 17.

The rejection for obviousness seems to obscure the teachings missing from the two cited references, dismissing these recitations as mere changes in size which are not a matter of invention according to In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955) and Gardner v. TEC Systems, Inc., 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984). However, in both of those court decisions, the applicant was asserting that the only difference over the prior art was a difference in size. The court in Rose found the difference in size had only a functional impact on the ease of lifting the lumber bundle at issue, 105 USPQ at 240, and the court in Gardner found the difference in dimension had no

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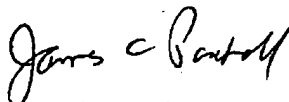
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effect on the functionality of the claimed device, 220 USPQ at 786. Here, however, the process of the present invention provides the extraordinary functionality of providing a greater volumetric flow rate of stripping fluid through the bottom section of the baffle than through a top section of a stripping baffle. Hence, the catalyst that wends through the stripping vessel closer to the bottom section of the baffles will be contacted with a greater proportion of stripping fluid.

Applicants respectfully submit that independent claims 1 and 17 are nonobvious over the cited references. At least for the same reasons, claims 2-8 depending from claim 1 and claims 18-20 depending from claim 17 are also patentable over the cited references.

Accordingly, Applicants respectfully request reconsideration and allowance of all the claims pending in the subject application. Should the Examiner have any questions regarding this application, please feel free to call the undersigned.

Respectfully submitted,



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